

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 667 of 1995

H M JOSHI

Versus

AJAYKUMAR V PAREKH

Appearance:

MR JR NANAVATI for Petitioner

MR KP RAVAL, APP for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of Order: 20/09/96

ORAL ORDER

By virtue of the present petition, the petitioner has challenged order passed in Cri. Rev. Application No. 13/94 dated 20.2.1995 by the Ld. Addl. Sessions Judge, Bhavnagar whereby order passed by the Ld. Chief Judicial Magistrate, Bhavnagar in Cri.Case No. 16808/93 dated 10.3.1993 was confirmed.

In the instant case, upon admission made by respondent no.1, learned Chief Judicial Magistrate had imposed fine of Rs. 300/- upon respondent no.1 under the provisions of sec.398 of BPMC Act. Looking to the fact that respondent no.1 had admitted the offence, lenient view was taken by the Ld. Chief Judicial Magistrate and when the said order was challenged by way of Revision Application before Ld. Addl. Sessions Judge, Bhavnagar, the said order was confirmed for the reason that a consistant view was taken by the Ld. Chief Judicial Magistrate, Bhavnagar in all the similar cases. By a reasoned order, revision application was dismissed and against the said revision application, the present application has been filed by the petitioner.

Reasons given by the Additional Sessions Judge, Bhavnagar for dismissing the revision application are just and proper and looking to the said reasons and approach of the petitioner and Chief Judicial Magistrate,

Bhavnagar in dealing with other similar cases in a like manner, I do not find any illegality or irregularity in the impugned order and, therefore, I do not interfere with said order.

I do not find any substance in this application and, therefore, this application is dismissed.

20.9.1996

[A.R. DAVE, J]